

If you have received a Form DWC069, Report of Medical Evaluation, a doctor may have determined that you have reached maximum medical improvement (MMI) and assigned an impairment rating (IR). This is known as a “certification” of MMI and IR.

This is a critical stage of your workers’ compensation claim because it affects your income benefits. If you disagree with the MMI date and/or IR and want to dispute them, you must follow a specific process and time frame.

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Local Field Offices exist throughout
the State of Texas and are staffed to assist you.



The statutory authority for the
Office of Injured Employee Counsel
is found in the Texas Labor Code, Chapter 404.

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How to **DISPUTE** Your **Maximum Medical Improvement and Impairment Rating**



Texas Labor Code §§ 408.123 & 408.125
Rules 130.1, 130.2, 130.3 & 130.12



**Office of Injured Employee Counsel:
We're Here to Help**

When and how you dispute MMI and IR depend on several factors.

FIRST VALID CERTIFICATION OF MMI AND IR

The first valid certification of MMI and IR must be disputed within 90 days of the date you receive written notice of it. You must file the dispute with the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) local field office before a period of 90 days ends. Otherwise, the MMI date and IR become final. There are a few but limited exceptions to the 90-day finality law.

Keep the envelope the Form DWC069 came in, and note the actual date you received it in case timeliness of your dispute comes into question. Any authorized doctor can give the first certification. Although only the first certification of MMI and IR becomes final if it is not timely disputed, it is a good idea not to delay a dispute of any certification of MMI and IR.

DESIGNATED DOCTOR

A designated doctor is assigned to your case by TDI-DWC to provide a fair, unbiased opinion. The designated doctor has presumptive weight, which means his or her medical opinions are presumed to be correct unless evidence contrary to the opinion is produced.

The only way to dispute a designated doctor's opinion is for you to request a Benefit Review Conference from TDI-DWC using a Form DWC045. If the designated doctor gave the first certification of MMI and IR, then the 90-day time limit to dispute applies.



Most importantly, the designated doctor's opinion will be accepted as correct unless you present medical evidence sufficient to overcome it. For this reason, you will need to obtain an opinion from another doctor that disagrees with the designated doctor's report.

To do this:

- take the designated doctor's Form DWC069 and attachments to your treating doctor;
- ask your treating doctor to review the information and write a detailed opinion about why the MMI date and/or IR are incorrect; and
- ask your treating doctor to provide the alternate MMI date and/or IR on a new Form DWC069.

DOCTORS OTHER THAN THE DESIGNATED DOCTOR

You can dispute a certification of MMI and IR from a doctor other than the designated doctor (such as your treating doctor or a referral doctor) by filing a Form DWC032, Request for Designated Doctor Examination, with TDI-DWC. If this doctor gave the first certification of MMI and IR, then the 90-day time limit to dispute applies.

By filing a Form DWC032, you are requesting that the dispute be resolved by sending you to a designated doctor. The designated doctor will file a report on the MMI and IR issues. If you do not agree with the designated doctor's opinion, you can dispute it (as explained in the previous section).

ADDITIONAL INFORMATION

Details about MMI, IR, and the designated doctor process are available in OIEC publications "Maximum Medical Improvement and Impairment Rating: What You Need to Know as an Injured Employee" and "What You Can Expect at Your Designated Doctor Examination." You can obtain these publications at your local field office or on the OIEC website: www.oiec.texas.gov.

CONTACT US

When you receive a Form DWC069, you need to decide whether to dispute the MMI date and/or IR. Keep in mind there may be a 90-day time limit to dispute.

Office of Injured Employee Counsel (OIEC) Customer Service Representatives or your assigned Ombudsman can answer your questions about disputing MMI or IR and help you to file the appropriate dispute with TDI-DWC. Please call 1-866-EZE-OIEC (1-866-393-6432) for their assistance.